

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BESNIK UKSHINI,

Plaintiff,

v.

CUSHMAN AND WAKEFIELD INC.,

Civil Action No. 1:23-cv-08388- MMG-SLC

Defendant.

**MOTION TO DISMISS NOTICE AND REQUEST OF VIDEOTAPED DEPOSITION OF
PLAINTIFF BESNIK UKSHINI FROM ATTORNEYS FOR DEFENDANT**

I as a plaintiff, ask this court to dismiss notice and request of videotaped deposition from Attorneys for Defendant, which is scheduled from them on April 03, 2025, at 10:00AM for these reasons:

Couple years ago, I suffered severe Heart Failure with ejection fraction of 15%. Then latter on I had performed Ablation heart surgery from Dr. Grushko, a distinguished cardiologic surgeon and scientist in Monte Fiore Hospital, NY. This special minimum invasion surgery lasted about 7 hours and was successful. Since then, my cardiologist, told me that I must take my medication regularly whole my life maybe, and make sure not to stress myself and to escape stress situations from others. It not only can be repeated, but I can get stroke and even die.

When I talk a little bit more, especially if I am talking under pressure, stressful situation or nervousness, or even normally but overtalk, I get short of breath. If I get short of breath it is

very dangerous to suffer STROKE, and even die. So, I don't believe that Attorneys for Defendant would like to cause that to me for any price. I know that it is in interest of defendant's Attorneys to prolong procedure and go all around possible procedurals steps, because it is profitable for them, but it harms me. I am sure that this court will not allow an UNECESSARY deposition for this case that can harm my health, my heart, and even cause my death.

In conclusion, I request that this Court dismiss the request for deposition from Attorneys for Defendant, and not allow to take me in deposition having in consideration reasons above mentioned, and declare as UNECESSARY and Unacceptable deposition for this case.

Bronx, New York,

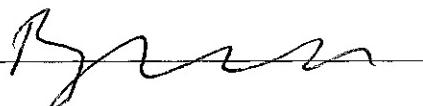
February 25, 2025.

Besnik Ukshini

789 Waring Avenue, Apt.#4A

Bronx, NY. 10467.

Plaintiff.



P.S Here it is attached a letter from my doctor that monitors my health issues in Bronx now.

The Court construes Plaintiff's request at ECF No. 31 as a motion for a protective order to prevent his deposition, and that motion is **DENIED**. Plaintiff initiated this action against Defendant, and he has an obligation to sit for a deposition. See Sadowski v. Tech. Career Institutes, Inc., No. 93 Civ. 455 (PKL), 1994 WL 240546, at *1 (S.D.N.Y. May 27, 1994) ("The prejudice to defendant from denying it the opportunity to depose plaintiff would far outweigh any harm to plaintiff from subjecting himself to that process.").

On or before **March 14, 2025**, the parties shall meet and confer to discuss a convenient time and format for Plaintiff's deposition that will accommodate his medical conditions.

The Clerk of Court is respectfully directed to close ECF No. 31.

SO ORDERED. February 27, 2025



SARAH L. CAVE
United States Magistrate Judge



Jacobi | North Central Bronx

JACOBI MEDICAL CENTER
JACOBI PRIMARY CARE
1400 PELHAM PARKWAY
BRONX NY 10461
Dept: 718-918-5700

January 9, 2025

Patient: **Besnik Ukshini**
Date of Birth: **12/19/1961**
Date of Visit: **1/9/2025**

To Whom It May Concern:

It is my medical opinion that Besnik Ukshini is able to testify but may need restriction because of his heart condition depending on the symptoms he may have. Mr. Besnik Ukshini needs to be refrained from stressful situation because of his heart condition.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Yoshino".

Toru Yoshino, MD

This document was electronically signed on 1/9/2025 at 3:33 PM.